

R E A S O N S
F O R A
D E C L A R A T I O N
O F
R I G H T S,

In answer to what hath been advanced on that Subject, in
a Pamphlet lately published, entitled,

A REVIEW OF THE THREE GREAT
NATIONAL QUESTIONS.

W I T H

Some preliminary Observations on the Utility
of publicly discussing Public Business.

*Quid de reliquis reipublicæ malis? Licet-ne dicere? Mihi vero licet
et semper licebit dignitatem tueri, mortem contemnere. Potestas
modo veniendi in hunc locum sit, dicendi periculum non recuso.*
CIC. ORAT.

D U B L I N:

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W A S H I N G T O N

FOR A

D I C T I O N A R Y

OF

R I G H T S

in and out of the country, as well as in the
various parts of the world, and in the
various parts of the country, and in the
various parts of the world, and in the

A REVIEW OF THE
NATIONAL QUESTIONS.

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W A S H I N G T O N

ADVERTISEMENT.

THE Author of the following pages found it necessary to the consideration of his subject, to dedicate part of them to an examination of the validity of the right claimed by the Parliament of England, of binding this Kingdom. For this purpose he was obliged to say something of the sources from which it is alledged they could derive such a right; to wit, CONQUEST, COMPACT, and OBLIGATIONS CONFERRED. If it should be said, that so much hath been already written upon those topics, as to have rendered them a kind of *common* for writers of all denominations, he hopes, at least, it will be found, that, in passing over it, he has chosen a *path*, in some respects, different from any who have gone before him.

A DIVERSE HISTORY

THE first of the following
pages contain a list of
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R I G H T S, &c.

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prudence, and a partaker of their wrongs, I should point at the causes of oppression, the hand of power would be stretched to seize the daring virtue, and even before the eyes of those whose title to liberty I had maintained, I should fall an object of their *unexerted* commiseration; so perished Tiberius—thus Caius fell. But, thank God, and our virtuous struggles, we still preserve entire one pillar of our constitution, the liberty of the press remains to shew at least the order of the building: time, and the united endeavours of a people daring to be free, may yet perfect the structure on the model which is left; to contribute what I can to this great work, hath called me to an already *crowded* field. By the use of the epithet, I do not hint an objection: I am pleased that questions of *general* concernment should be *generally* discussed; nor do I think, that such a condition of public affairs can arise, in which “*all consideration of domestic political concern ought to be suspended;*” the people should *always* keep a watchful eye upon the figure of the constitution, lest, in the *hour* of heedless inattention, the finger of oppression should mould it to the form of tyranny. No ill consequences can arise from a cautious vigilance;

vigilance ; the worst may be expected from political insensibility. In the days of Pisistratus the Athenians but slumbered over their rights, and they awakened slaves. Let not us afford to future ages a similar example, nor let designing men, in the abused language of *moderation*, still those apprehensions, by the existence of which alone your liberty is secure. The love of power is natural to man. Until a revolution happen in the principles of human nature, we should be ever on our guard. To watch over the rights of mankind is the province of virtue, and carries its reward along with it: as such it becomes a duty; and he who would endeavour to prevent the performance of it, counteracts a moral obligation. *General* security only can arise from a *general* support given to the cause of freedom; and a wish to lessen that support can only proceed from designs inimical to the constitution. Are the intentions of government directed by the good of the people? Surely they can form no objection to receiving the sentiments of the people, on subjects which so nearly concern them, to uniting the efforts of governors and governed, in the mutual cause of reciprocal prosperity.

While

While ever there rests a wish in the cheif power of a state to check the intercourse of popular opinion, that nation may be assured its liberties are in danger. Such are the principles in human nature, that this wish will ever remain. Power will continually grasp at power, and can be only checked by itself. I would wish government to guard against the incroachments of the people, as much as I would endeavour to protect the people from the assaults of government. From their mutual jealousy their mutual happiness may arise. Let them draw in their properly differing directions; the diagonal described will be a line of glory. But should the day arrive, when either the opinions of the people, essential to the preservation of their rights, should be, through fear, confined to the breast of the individual, or the operations of government, necessary to the well-being of the constitution, should be cramped in their execution by the too great access of popular authority; I say, should such a day arrive, there would be an end to liberty; the tyranny of one, or of a few, would crush an enslaved people, or the rights of mankind be lost in the lawless riot of turbulent democracy. These are the Scylla and Charibdis on which all govern-

governments, from the beginning of the world, have been wrecked. At the same time that you allow all due influence to the operations of government, rigidly protect those rights which God and Nature gave you, and, formed as ye are for independence, for the full enjoyment of which your genius and your country bear the assenting stamp of God himself, do not submit to a situation which disgraces his benificence—ye will not. Too long had the night of political superstition lasted; it has passed away; in your prospects may now be seen some rays of light, which, gilding your horizon, give sure promise of a future day; to what has this been owing? that from a state of the most abject slavery to *justified* oppression, and the *asserted* “*right of doing wrong*,” you should have so soon arrived at the confines of independence and prosperity; the unchecked intercourse of popular opinion hath wrought this miracle. The complaint of the individual was heard by the nation: its justice was recognized in their own distresses, they felt, they remonstrated, they conquered. As this glorious privilege hath led you so far in the road to national glory, preserve it inviolate: it will still guide to future advantages. This liberty of the press is the mirror which reflects the state
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of the constitution. Should you suffer its lustre to be dimmed, you will fall the victims of invisible machination. I will even venture to pronounce it the *legal* council of the nation, in which the people meet and deliberate; the awful tribunal which, armed at once with the powers of condemnation and execution, preserves, in the road of honourable virtue, those whom you have appointed the guardians of your rights; or brands with deserved infamy the names of any, who, traitors to a trust so sacred, mangle that constitution which they were bound to preserve. It is, to use the expression, (with a different application) of a celebrated writer, the Carthage, which, if it cannot keep alive the virtue of your rulers, is at least a check to their depravity. As long as it remains, ambition will be checked, virtue rewarded, and vice punished. The promoter of his country's weal receive the distinguishing remembrance of a grateful people, and the betrayer of their rights be handed down to posterity *shaded* with those *laurels* he deserves. If the people did not possess this mode of communicating their sentiments to each other, however as individuals they might silently deplore the injuries offered to their liberty,

yet,

yet, never could they redress those wrongs by any effectual concert.

Let us hear what a forigner, who revered the *perfection* of our constitution, because he saw into its principles, says upon this subject. Relating the blessings we derive from this (as he calls it) "the noblest privilege, as well as the firmest prop of liberty," particularly where it serves "as the means of a general concert between the different parts of the people," he thus speaks: "private individuals, unknown to each other, are forced to bear in silence those injuries in which they do not see other people take a concern. Left to their own individual strength, they tremble before the formidable and ever ready power of those who govern; and, as the latter well know, nay, are apt to over-rate the advantages of their own situation, they think they may venture upon any thing. But when they see that all their actions are exposed to public view, that in consequence of the celerity with which all things are communicated, the whole nation seems as it were one continued *irritable* body, no part of which can be touched without exciting an universal *tremor*; they become sensible that the cause of *each* individual is

" really

“ really the cause of *all*; and that to attack
 “ the *lowest among the people*, is really to at-
 “ tack the *whole people* ;” this is the lan-
 guage of Delolme, who knew and studied
 the nature of our government; he admired
 that portion of electrical fire, which, per-
 vading our constitution, on the slightest
 touch received by it, gives a shock, which
 is felt from one end of the nation to the
 other.

Were it necessary to adduce proofs of
 the advantages derived to freedom from
 this privilege of the people, I might bid
 the reflecting reader call to mind the state
 of the English nation at the times in which
 this liberty was restrained. Let him for a
 moment consider the iniquities practised by
 the court of star-chamber, who, conscious
 that their actions were not such as would
 bear the discussion of the people whom they
 governed, limited the number of printets,
 and prohibited publications, unless pre-
 viously approved by *proper* licensors. While
 this court subsisted, my Lord Clarendon
 tells us, that in no time was disrespect to any
 acts of state, or to the persons of statesmen
 more penal, and the foundations of right
 never more in danger to be destroyed. On
 the demolition of this odious jurisdiction,
 the long-parliament of Charles the I. after
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their rupture with that prince, assumed the same power as the Star-chamber exercised with respect to the licensing of books. Their example was followed by Charles II. and his brother; but to vindicate the rights of mankind was reserved for the glorious Revolution. In all those instances, we see the liberty of the press, and the liberty of the subject preserve an equal pace: neither has sufficient native light to shine by itself; they receive mutual brightness by reflection from each other. As you then value the one, preserve the other; and be assured it is the only armour in which liberty is secure. Lay down this armour but for a moment, and you expose it defenceless to the shafts of the enemy.

I have indulged these reflections on the free communication of public sentiment on public business, as even that sacred palladium of our rights has not been secure from attack. It has been asserted, that the present period is such "as ought to suspend all considerations of domestic political concern;" the press has been described "as groaning beneath the weight of polemical politics;" and to the effusion of political ink, hath been attributed all the calamities which at present waste the world. Bourbon ambition, Dutch treachery, and English
C tyranny,

tyranny, have done nothing—that ambition, which willingly establish universal monarchy; that treachery which, at the expence of national faith, would profit by the distresses of mankind; and that tyranny, which could make a people who knew the blessings of freedom trample on the rights of their fellow-citizens; that tyranny which would divide representation and taxation, and iniquitously try a man in one country for a fact committed at three thousand miles distance in another: all these have been innocent in their operations, while the spirit of inquiry, which would only question the exercise of oppression, settle the barriers of right and justice, and secure to nations that independence which nature had decreed them, has been made the cause of that effusion of human blood, which hath desolated a considerable part of the British empire.

We can hardly be at a loss to guess the real meaning of this false description. In ascribing such dreadful effects to the liberty of the press, we may easily see the wish which would deprive us of this privilege; which would draw a veil over the machinery of government, and, by adding security to the exercise of power, encourage the abuse of it. Neither has this been all; as if it
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had not been sufficient to strike thus directly at the root of freedom, an attempt has been made, by raising suspicions among the people, to deprive it of that nourishment by which only it can subsist. The assertors of your rights have been called pretenders to public virtue; and it has been affirmed, that "the undistinguishing patronage of them is become the great evil of the constitution." I agree with the author, that patriotism, like religion, hath been often abused; but I cannot forbear making one remark on the quarter from whence this reflection comes: it is, that clouds have been often found to intercept the rays, and diminish the glory of that bright luminary, whose attractive influence first raised them from the earth.

Having now, I think, sufficiently done away whatever impressions might have been received from the sentiments on this subject, in that author's pamphlet, and established the necessity of a free press in a country where it is expected freedom should flourish, I shall proceed to take advantage of what I conceive to be my privilege, and to perform what I am convinced is my duty.

I lament that the performance of this duty is at this time particularly incumbent,

as there exists a melancholy division of sentiment among the people on subjects of the greatest national concernment; on subjects too, where to effect any good purpose the nation ought to be united to a man.

I am concerned, that among a people whose hearts (I am convinced) in general beat high for liberty, there should, in such a cause, be found a single dissenting voice. Whether the open avowal of these sentiments, derogatory to the rights of the people, proceeds from the want of a good head, or the possession of a bad heart, I know not. I would, however, be rather inclined to decide upon the latter, as some performances on that side of the question have lately appeared, that would have done honour to a better cause.

These writings in general bear the stamp of moderation, and are written with the most *apparent* good will for the welfare of the community; yet, there are some men even whose offers of service I should distrust, *Timeo Danaos et dona ferentes*; and I hope that the knowledge of the quarter from whence these productions come, will take off from the weight which their ingenuity might otherwise procure them. For however wrapt up in the mystery of anonymous secrecy, or recommended by
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the warmest professions of good will to this country; yet, brought to the *test* of free inquiry, as touched with the spear of Ithuriel, they start into their native deformity.

To apply this *test* to some opinions lately advanced, is the task I have undertaken. I am reconciled to its difficulty, by reflecting on the cause in which I write: a people's happiness, and a nation's glory.

Should I fail, I will still possess a comfort which these men can never know: the having attempted at least to enlarge the stock of human felicity; and, though I should find myself obliged to drop a tear of *anguish* upon the miseries of my fellow-creatures, it shall be accompanied with the self-approving reflection, that I had exerted my endeavours to produce a situation, which would have converted my tear of *anguish* into a tear of *joy*!

I shall confine myself, in what I intend to say at present on the affairs of this kingdom, *principally* to the necessity of a Declaration of Rights, in opposition to what hath been advanced on that subject, in a pamphlet lately published, intitled a Review of the Three Great National Questions, &c. I say, *principally*; for the consideration of this point will involve some reflections

reflections which, though not directly necessary, will be found to arise naturally enough from the question before us.

It has been asserted by the Parliament of England, 6 Geo. I. c. 5. that the kingdom of Ireland ought to be *subordinate* to, and *dependent* upon the Imperial Crown of Great Britain, as being inseparably united thereto; and that the King's Majesty, with the consent of the Lords and Commons of great Britain, in Parliament assembled, hath power to make laws to *bind* the people of Ireland.

Let us first consider, whether this assumed right does, or could ever possibly exist. When that is done, we will be better able to prove the expedience and necessity of passing an *Irish* act, declaratory of *Irish* liberty.

I shall be understood in this age, when I assert, that no community of men can possess a *right* to make slaves of another; that to assert this right is tyranny; to acquiesce in it servility; that it can only be supported by the *ultima ratio regum*, or submitted to by the want of power to resist it. But as this right has been asserted by the *omnipotency* of a British Parliament, and as there are some men who bow to its decrees with more than superstitious reverence, it may be, perhaps, necessary to consider it on
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a more extensive ground, and to shew that it can be derived from no source which either an oppressive spirit may assign, or an abject disposition assent to.

I will grant, that an individual who gives his *consent* to a law, which has slavery for its sanction, may, by a breach of that law, justly forfeit his freedom; I will even allow, that a community, in the same circumstances, may be involved in the same predicament; but in neither of these cases can the punishment be extended to the posterity of either. We are not to arrogate to ourselves Divine Prerogative, and visit the offences of the fathers upon the children; nor are the children under the smallest obligation of submitting to the penalty.

If this be so, and I think presumption will scarcely deny it, how is it possible that we can be *justly* bound by an act to which even our ancestors did not give their consent; and made by a people who neither did nor could represent them.

But let us examine the titles by which it is alledged they hold this right; I know of but three: CONQUEST, COMPACT, and OBLIGATIONS CONFERRED.

In the first place, I deny that the ancestors of the present inhabitants of Ireland, taking by much the greater part for the whole,

whole, were ever conquered. In the second place, that there ever existed a compact in which the people of this kingdom acknowledged themselves slaves. And lastly, that we ever received any obligations which could make those on whom they were conferred resign their liberty, to shew their gratitude. But we will, for a moment, admit them all. That our ancestors had been once a conquered people; that they, by unanimous assent, received the yoke of slavery, or voluntarily paid the price of freedom, as a return for services performed. Let us see what can be derived from thence.

Much has been written on the *right* of conquest: its limits have been laid down, with as much studied exactness, and its meaning defined, with as much laboured accuracy, as if such a thing had really existed. To question the existence of what hath employed the ability and ingenuity of the greatest men, may appear rather an hazardous attempt; yet I trust I shall make it appear, that this right of conquest is a sound to which no real meaning can be annexed; and that from conquest no right, of whatsoever kind, can possibly be derived.

Right, properly defined, signifies a *claim* which may be *justly asserted*. Under this meaning let us apply it to conquest.

Every

Every war is either just or unjust.

I shall consider whether conquest, in either of those cases, can be productive of right.

Is an injury offered by one nation to another? From that moment, antecedent to all conquest on either side, the injured nation acquires a right to an adequate compensation; should it resolve to support this right by force of arms; and should conquest crown its endeavours: from this success, it does not acquire any new right.—Conquest only furnishes it with the means of enforcing a compliance with the right, formerly acquired, nor can it ever justly extend its demands to more than a recompence for the wrongs sustained.

But should one nation make an attack upon another, from whom it never received an injury; and should conquest, as it too often does, prove the attendant of injustice, will any man involve himself in the absurdity of saying, that, in this case, conquest can be productive of right? Surely no.

So thus we see, that even, though England had really conquered Ireland, no matter whether in a war justly or unjustly carried on, she could, from *that circumstance*,

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have never derived any right of governing this kingdom.

It will hardly be said here, that England received an injury from Ireland, which required that the latter should relinquish liberty, as an indemnification to the former. Let the wrong sustained be what it *may*, *eternal* bondage will ever be more than an *adequate* return. But it cannot be said; if we examine into the causes of contests between different nations, we will seldom find the first act of violence committed by the weaker side.

From what has been here advanced, I think I may venture to pronounce this right of conquest to be a mere empty bubble, which for a moment glistens to the view, but touched ever so slightly, is instantly reduced to its original nothingness.

Having now done away the justice of any claim to dominion, which may be derived from conquest, I shall have very little trouble in proving that no compact, by which our liberties may be forfeited, and made at such an early period, could be, at this day, binding.

There can be no doubt, that a nation, as well as an individual, if it enter into a voluntary covenant to perform certain conditions, is under an obligation to comply with

with the terms of that agreement; yet this can never be supposed to extend further than the persons contracting: for sure it is nonsense to assert, that I can be bound by an *agreement* to which I never *agreed*. Had an ancestor of mine engaged for himself and his descendants for ever, that they should be of a particular religion, will it be for a moment supposed, that I, at this day, am under the smallest obligation of embracing that persuasion? The absurdity, in either case is the same; civil and religious liberty are equally the birth-rights of mankind. They are both unalienable inheritances,

From hence, I think, we may safely conclude, that it is not in the power of any people to play thus truant with the liberties of their posterity: and that should such a thing have been attempted, it is the duty of posterity to rescue with *spirit* what hath been surrendered by *folly*.

There remains only that I should consider, how far obligations conferred can operate in depriving us of those rights which God hath granted to *all* human race.

In all obligations nothing more can be ever expected, than a return adequate to the favours received—an act of this kind cancels obligation. I will now ask any man

what

what services can one nation perform for another, which would require so dear a sacrifice as a surrender of liberty? We will, for an instant, suppose the greatest—that one community had lent their assistance to another, to rescue them from the yoke of slavery; will it be said, that the community thus emancipated are under a necessity, that they may not appear ungrateful, of submitting to a situation from which they had been that moment relieved? And that a change of masters is the only reward which can attend their struggles?

When the arms of Queen Elizabeth, in the fifteenth century, enabled the Dutch to assert their rights against the tyranny of the second Philip, was it expected that they would have then become the vassals of England? Do the Americans, at this day, look forward to the blessings of a French government, to heal those wounds which they have received in the cause of freedom? Surely not. “Let the favour received be
 “ what it will, liberty is too dear a price
 “ for it. A state that has been *obliged*, is
 “ not therefore to be *enslaved*. It ought, if
 “ possible, make an adequate return for the
 “ services done to it; but to suppose that
 “ it ought to give up the power of govern-
 “ ing itself, and the disposal of its property,
 “ would

“ would be to suppose, that in order to
 “ shew its gratitude, it ought to part with
 “ the power of ever afterwards exercising
 “ gratitude*.” In short, we will not go too
 far when we assert, that there is no one
 circumstance which can give a right of per-
 petual dominion to one nation over another.
 To say more upon this subject would be
 planting reeds around an oak, to defend it
 from the storm.

Though I have here admitted, for the
 sake of argument, the justice of any claim
 which Great Britain could derive from con-
 quest, compact, or obligations conferred,
 allowing that each of them ever existed, yet
 I deny that any of them ever existed at all.
 Indeed, when I hear the last of those as-
 serted, I can scarcely suppress my indigna-
 tion: it is adding insult to injury.

But let us for a moment take a view of
 those ties of gratitude by which this king-
 dom is bound unto England. Three mil-
 lions of people, whose generosity even ex-
 ceeded their ability, for centuries made an
 example of the greatest national distress.
 Could a painter represent the scene, he
 should draw a starving populace, an em-

* See observations on the nature of civil liberty, by the
 justly admired Dr. Price.

poverished

poverished gentry, and a distressed nobility; Ireland galled with the chains of slavery, and bending beneath the weight of oppression! bound by laws, to which she did not give her consent, and taxed by a Parliament, who did not represent her; possessing a constitution by which neither the liberty, the life, or the property of the individual was secure—the one subject to the discretion of a dependent judge; the other to the sentence of a British jury; and the last to the imposition of a British Parliament. England too might be exhibited in all the pride of power, receiving our petitions for the redress of grievances with the most contemptuous arrogance; calmly indifferent to the distresses of humanity, and blindly ignorant of her own advantages!

This would be a just representation of the late situation of this kingdom. The severity of the picture is now a little softened: England, humbled in her pride, checked in her ambition, and resisted in her oppression, is beginning to learn wisdom in the school of adversity: she already feels her chastening hand, and has been taught that there is, in the exercise of arbitrary sway, a *quiddam prodire tenus sed non datur ultra.*

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It is not my wish to add insult to the humiliation of England; but I would willingly impress an important truth on the minds of my countrymen; that this is the only season in which you can hope to perfect your independence: her pride will return with her strength; her spirit of oppression with the power of supporting it. It is absurd and fallacious reasoning to apply the feelings of individuals to the operations of nations. Believe me, that in their actions, humanity, generosity, or a sense of injury, have very little weight: among individuals, indeed, there may be some, who, in their intercourse with each other, are actuated solely by the principles of virtue; or having for some time forsaken her path, return to it from a conviction of their error. But very different is the conduct of nations with respect to one another. Where actions are directed by a general suffrage, the virtuous few, if they exist at all, will soon be overpowered. Nations know of no tribunal which takes cognizance of national crimes; nor do they think repentance necessary to salvation. It is passion, not feeling, which directs their councils with regard to one another; and while ever there exist a willingness to support the chains

chains of slavery, there will never be wanting a hand prepared to rivet them.

I have been delayed thus long in my answer to the author's arguments, as I thought it necessary to decide a question which his ingenuity would leave in doubt. He says*, it is to be observed, that the question is not whether Ireland has a right to the independence here claimed: and thus gets rid of that circumstance, which is the strongest reason for a declaration of our independence—our having a right to it.

He sets out with telling us † 'that the only object of this measure is to *establish* the exclusive authority of the Irish legislature.' There is nothing by which an author can more readily impose on the understanding of the generality of readers, than by laying down a position as true which is really false, and reasoning from it as if it were a self-evident proposition—A stronger instance than the example now before us perhaps never existed—By stating a particular circumstance, which it is not solely, if *at all*, intended to answer, as the only object

* Page 43.

† Page 26, and 44.

of this measure; and then proving that this supposed end could not be obtained by it, he thinks he has decided the question.

But he has stated the matter fallily—to *establish* the exclusive authority of the Irish legislature, is not the *only* object of a declaration of rights; it is rather to promulge those rights, which have been already established, which rest upon a much more secure foundation, are held by a much better tenure—the spirit of an armed people: its object is the same with that of Magna Charta,—to declare and specify the rights which belong to the people; and as it is not the parchment on which Magna Charta is recited, that either establishes or secures those rights, but the spirit of that people, who, having set limits to the exercise of authority, are determined that those limits shall not be infringed with impunity; so the security or establishment of our rights does not consist in the declaration of them, but in that spirit which is resolved to defend them; but in order that they may be defended, it is necessary they should be known: in a word, it is necessary that the voice of the nation should be heard; that by silently submitting to the claim they

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may

may not appear to admit the exercise of an authority which stamps them slaves.

Surely there is something due to the dignity of the nation? It is not sufficient, as this author asserts*, that they should be really free—they should not even wear the mark of servitude. He that submits to put on the habit of a slave, will sometimes meet with servile treatment; while the man who nobly disdains even the appearance of bondage, will ever receive that respect due to an assertor of his liberty.

This writer says †, 'that the Parliament of England surrendered the exercise of the authority they had assumed, when they repealed those laws by which they hitherto bound us.' At the same time that I deny they have repealed *all* those laws by which they had hitherto bound us, I would ask, granting for a moment what he asserts to be true, what security have they given us that they will not resume the *exercise*, when they still preserve the law by which they assert the *right*? He may perhaps say,

* Page 49.

† Page 27.

that.

that the repeal of this law would give us no real security; but it would at least produce that confidence which the gentleman so *earnestly* wishes subsisted between the two kingdoms—What, though they do not avail themselves of this assumed right, yet, is it possible that I can be free from apprehension while I perceive a lash suspended over my head, even though I do not see the hand in motion to inflict a blow? If you really wish to quiet my fears, break the instrument which can alone give rise to them. But this, he says, would hurt the pride of England. Must Ireland then bear an ignominious badge of servitude to preserve* “the dignity and consistency of a British Parliament?”

As the disgrace of appealing to the British House of Lords hath been sufficiently pointed out, in a late ingenious pamphlet†, I shall only observe, that the author’s arguments in favour of it are a continued insult on the feelings of an injured people. The absurdity of one part of them is, how-

* Page 35.

† Vide—Reasons for a repeal of the act of Poyning, in answer, &c. addressed to the Earl of Charlemont.

ever, so glaring, that I cannot avoid remarking it. Speaking of the exclusiveness of the Irish legislature, he says*, 'at this day we can undoubtedly appeal to our own House of Lords, if we think proper; and if the parties previously agree to abide by their determination, no power upon earth can prevent them from exercising their judicial authority.' Here we see the whole authority of the House of Lords depends upon the determination of the parties to abide by their decision. The same power might establish a judicial authority in the Emperor of China. But I would be glad to know, if one party in a litigated suit, thought proper to appeal to our House of Lords, and if, in consequence of that appeal, they should proceed to judgment, should the disappointed party then carry his cause before the peers of Britain; and should *they* see the matter in a different light, would not *their* decision supersede *ours*? And would not the executive power enforce that decision? But I shall leave this part of his argument without any further com-

ment: it carries its confutation along with it.

Immediately after he has the following passage*. 'Were we (he says) to describe a country as being possessed of a legislature exclusively exercising the supreme authority of the state. it must be where the people *acknowledge* no other authority but that which resides in their own legislature, and where they are not *actually* compelled to obey any other.' In my opinion there is something very material wanting to this description. I should imagine it to be necessary that they should not only not acknowledge, but that they should also *deny* any other authority than what resides in their own legislature; and that they not only should not be *actually* compelled, but that the *right* to *compel* them should not be *asserted*. This is the finishing which the picture wants; and until it receives that finishing, it will never be characteristic of a free people.

He then asks the following questions*:

* Do the people of Ireland, at this day, ac-

* Page 33.

* Ibid.

* know-

‘knowledge any legislative authority but that which resides in their own legislature? Does any foreign authority now attempt to bind them by coercive acts?’ To the first answer, that though the people of Ireland, strictly speaking, do not acknowledge any legislative authority but what resides in their own legislature, yet the parliament of that people do; for surely when the question, whether they will not deny the existence of any such authority, comes before them, the refusing to deny the existence of that authority amounts to an acknowledgment of it. For the second, I will grant that no foreign authority attempts at this instant to bind us by coercive acts: yet still the right of binding us is asserted, and this too by a people who have awakened * ‘to an enlightened sense of their *own* true *interest*, and of the general good of the *whole* empire?’ So that, according to this author, the true interests of Great Britain are served by maintaining a right to enslave Ireland; and the general good of the whole empire promoted, by continuing, *as far as in their power*, three millions of people in a state of bondage.

This author is very ingenious in supplying the supporters of a declaration of rights with arguments of his own invention, drawn up intentionally fallacious, and then overturning them with all the pride of fancied superiority. This he may think shews his ability; but it is certainly a very bad proof of his candour. Let us hear his own words. He supposes a person of a different opinion from himself thus speaking*.

‘It is not sufficient that the exercise only
 ‘of that power of which we complain should
 ‘have been surrendered; it is requisite also
 ‘that there should either be a formal renun-
 ‘ciation of the right to exercise it on their
 ‘part who have hitherto assumed it, or at least
 ‘a formal parliamentary denial of that
 ‘right on ours: *else* what hath been
 ‘called a surrender, may prove only a tem-
 ‘porary suspension of a power to be hereaf-
 ‘ter resumed at some more favourable junct-
 ‘ture.’ This is not the contingency; though at
 the same time the refusal to renounce that
 right, particularly when we are well con-
 vinced of the motives which gave rise to a
 surrender of the exercise, betrays a strong

* Page 34—5.

suspicion of the wish to resume it. But the contingency is; that without a formal renunciation of the right on their part, or at least a formal parliamentary denial of that right on ours, the HONOUR of the nation remains unvindicated: three millions of people continue in a state of *presumptive* slavery, the seeds of jealousy are permitted to subsist between both kingdoms, and a foundation laid for future disagreement; and this too at a period when, according to this author * the respective interests of the two countries, no longer dissonant and jarring, may henceforward become harmoniously combined reciprocally supporting each other, cementing their cordial union, securing their common liberty, and strengthening their common empire *.

He says, 'that if the asserted right, on the part of Great Britain of binding Ireland, be an usurpation, the only mode he knows of renouncing to that usurpation is, no longer to exercise it: though the right to the usurpation be not only not renounced, but still asserted. This is just as if a man should tell me, sir, I assure you I will not cut your

throat, but I insist upon holding a razor to it. What confidence the author would put in such a persons sincerity, I know not; but, for my part, I confess, I should be strongly inclined to suspect it. We are told *, 'it is not a theoretical right to this power, but 'in the practical exercise of it, in which consists the grievance.' To this I beg leave to reply, that the maintenance of the theoretical is a very likely method of giving rise to the practical exercise of it*. He asserts that he can see a reason 'why the members of the 'Irish House of Commons, in the last session, 'might in their *individual* capacity, with propriety and effect, have acknowledged the 'truth of the principle (to wit, the necessity 'of a declaration of rights) then laid before 'them, and yet why in their collective and 'legislative capacity they might with equal 'propriety have refused to avow it.' For my part, I can really see none, except he would insinuate that there exists a prohibition against the admission of *private* virtues into *public* counsels.

His distinctions and definitions are very ingenious: he can by no means admit the

* Page 39.

propriety of the appellation of a declaration of rights when applied to the independence of one Community on the power of a different community or state. He says, in this case it is*, properly speaking, a declaration of independence; and, for God's sake, what is independence? Is it not a right? a right unalienable? This is more than trifling: it is wickedness in the extreme. But let us examine this part of his argument somewhat more closely. He laments, that the investigation of truth is often much impeded† by 'wrong associations of ideas:' to prevent, therefore, this cause from operating in the present case, and that we may not be misled by‡ 'the very imposing sound 'of a declaration of rights,' he makes a distinction between the civil or political rights of a people and the sovereign rights of a state. The first§, he says, 'relate to the *liberties* of the *governed*, in opposition to the *authority* of those who govern in the same community. The second, to the *indepen-*

* Page 40.

† Page 37.

‡ Page 38.

§ Page 39.

'dence of one community or state on the power of a different community or state.' I admit his distinction, but I must still think, a declaration of either of them would be a declaration of rights: for I have not yet been so far initiated, in the creed of oppression, as to believe that the independence of one country on the power of another is not, in strict propriety, a right.

But he tells us * 'there is a wide difference in the efficacy of these two species of declarations.' On this ground I meet him, and will rest my cause upon the issue.

Magna Charta, the bill of rights, with those other acts which are styled the bulwarks of British freedom, belong to the first species: the declaration, for which we are now contending, comes under the second; If we examine and find out what it is which gives efficacy to those two species of declarations, we will be able at once to determine the question. For this purpose we will begin with an observation with which he himself furnishes us: he tells us †

* Page 40.

† Page 35.

a declar-

‘a declaratory act *gives no rights*; it is only a ‘specification of rights presumed to be *antededently* existing.’ What then is the object of such a declaration? merely to make known rights, which, not having been before specified, were continually subject to infringement. For this purpose was Magna Charta framed. To answer this end is our declaration of rights intended.

Thus we see the object of each species of declaration is the same—to make known the rights of the people, not merely as the private opinion of each individual in the community, but is the united sentiment of the whole nation, constitutionally speaking in their legislative capacity. The necessity for a declaration is also, in either case, the same; as that rights may be defended, it is first of all requisite that they should be ascertained; no matter whether the civil rights of a people or the sovereign rights of a state.

But then we are told* ‘that there is a ‘wide difference in the *efficacy* of these two ‘species of declaration.’ What is it that gives efficacy to either of them? it will not be said, that the declarations themselves do,

* Page 40.

It must be deduced from some other source; the spirit of the people—as it is not the act of Magna Charta, in which the liberties of Englishmen are specified, which gives security to those liberties, but the spirit of the people, who do not suffer those liberties, thus specified, to be trampled on; so it is not from a mere declaration of our rights that those rights can receive any real security, but from the spirit of the people which will defend them when *declared*. The efficacy then of each is equal; for in themselves they possess none but what they derive from the spirit of the people.

He would insinuate, however*, 'that there exists an ability to defend the civil or political rights of a nation, which does not operate in securing the sovereign rights of a state.' The only mode of judging of this ability is from the instances which history affords us of those nations who have been able to preserve their civil liberties inviolate. For this purpose, let the constitution of almost every government that we know of from the first formation of society to this day, save that of England, speak. A

* Page 40—1.

little reflection upon those examples, would soon have taught this Author not to lay so much stress on the efficacy of a declaration of those rights, which 'relate to the liberties of the governed, in opposition to the 'authority of those who govern in the same 'community; as superior to a declaration of 'those rights which relate to the independence of one community or state, on the 'power of a different community or state.' Nay, I believe he would have found the historic page more replete with instances of national independence *vindicated*, than of political rights *secured*; and for this reason, that an attack upon the *one* must be always open; but upon the *other* it is, for the most part, secret.

The following argument of his against a declaration of the sovereign rights of a state, such as we are now contending for, if it prove any thing at all, proves much more than I am sure he intended it should: as it may be urged with equal propriety against any declaration of any species of right whatsoever.

He says* 'as it is not the declaration of 'these right (to wit, the sovereign rights of

* Page 41.

' a state)

' a state) on the part of the community, but
 ' their ability to uphold them, that can alone
 ' render them respected. So if the power
 ' against which it is levelled be inferior to
 ' their own, such a declaration would be
 ' ridiculous; if equal, unnecessary; if su-
 ' perior, ineffectual.' The ability of the
 community to uphold their rights is the
 only thing that can render a declaration of
 any species of them respected. So that
 this observation should not have been con-
 fined to a declaration of the sovereign rights
 of the state alone, as it will have equal
 weight if applied to a declaration of the
 civil or political rights of a people. But
 then this declaration that we seek for, if
 levelled against a people whose power is
 inferior to our own, would be ridiculous;
 if equal unnecessary, if superior, ineffectual.
 This argument, if good, would
 be a reason against any declaration whatso-
 ever; for all power must be, in relation to
 that against which it is intended to operate,
 either inferior, equal, or superior. So that
 when the English made declarations of their
 civil or political rights in Magna Charta,
 and those other acts by which they deem
 their liberties secured, if the power (to ap-
 ply

ply this author's reasoning) against which those declarations were levelled was inferior to their own, such declarations were ridiculous; if equal, unnecessary; if superior, ineffectual. But this mode of arguing is very fallacious, and affords a striking proof in how many absurdities a writer of the very best abilities may involve himself, who attempts to support a cause which militates with a nation's freedom.

From what hath been said, therefore, it is evident, that, whatever arguments this writer has used against a declaration of the sovereign rights they of a state, may be urged with *equal* propriety against a declaration of the civil or political rights of a people; and yet that they are not in either cases conclusive. It hath been likewise proved, that the same cause which gives efficacy to one species of declaration, operates also in giving efficacy to the other—that this cause is the spirit of the people; but that in order to make this spirit have effect in giving security to our rights, it is necessary that those rights should be ascertained, and receive that sanction which the voice of the supreme authority in the state *alone* can bestow. But we are told, that questions between nation and nation can never be decided

decided by the voice *alone* of either. I agree with him; yet surely that can be no reason why the voice should not be heard, because not *solely* adequate to the purpose of establishing our rights, is it not to be employed as a means, however secondary, of advancing that establishment, even allowing that it were no more than secondary; which is far from being the case. For though a declaration would not of *itself* give security to our rights, yet without it those rights can never be secured: though not the instrument by which an attack upon our liberties could be repelled, it is yet the only thing which can supply us with that instrument. Rights undefined, uncertain, and disputed, will never be defended with unanimity and vigour—a declaration of those rights will serve to fix the attention of every individual on an object of such importance; as the different rays of light are, by certain glasses, collected to one point.

But we are threatened by this author, if we enter into a declaration of our rights, with the* *resentment* of England. She will

not submit to have that right questioned by a claim to which she hath hitherto attempted to make slaves of so great a portion of mankind. This objection would be sufficiently answered, by pointing to America. There public virtue flourished in a grateful soil! nor could the thunder of Great Britain blast it—The attempt hath almost proved her ruin. She hath already found how difficult and dangerous is the task, to force the bitter draught of slavery on men who were determined to be free. Is Ireland less the land of liberty than America? Is the resentment of England to be dreaded in the hour of *humiliation* and *defeat*, when it was successfully defied in the hour of *prosperity* and *glory*? To hang out such an object of terror is as ridiculous, as if any one should attempt to prolong the reign of tyranny by stuffing the skin of the tyrant. They must be children or fools who could be terrified by either.

Having closed his arguments against a declaration of rights on our part, with the denunciation of British resentment, he, for a moment, supposes that we had obtained the

the declaration in question. In this case, he says,* the British parliament would have their choice but of three modes of proceeding.

I. To repeal the declaratory act of the 6 Geo. I.

II. To enter into a counter declaration; or,

III. By taking no notice of it, to appear to acquiesce in it†.

He pronounces it to be absurd to expect that they would do the first‡; 'because
' whoever considers the transactions of the
' last six or seven years, must perceive it is
' impossible the British parliament could, at
' this *particular crisis*, repeal that act with any
' regard to their dignity and consistency.'
Ought not then the same regard to their dignity and consistency have prevented them from surrendering the exercise of that right, which is by this act asserted? If it had not this effect in the one case, why should it in the other? a regard to their dignity and consistency is equally concerned in both; and if it did not prevent a surrender in the last instance, it ought not

* Page 45.

† Ibid.

‡ Page 35.

surely

surely to be a reason against a repeal in the first—If it was ‘a conviction of past errors, and a liberal sense of the common interests of both countries, which, with some other co-operating causes, induced a surrender of the exercise of the right in question,’ we will not surely be guilty of any great *absurdity*, if we should expect the same causes should operate in producing a repeal of that act by which this right is asserted: but should they refuse to do it, we shall be able to judge of the degree of sincerity by which they were actuated, when they surrendered the *exercise*, and, justly suspecting that sincerity, guard against any future attempts which may be made to infringe the liberties of this country.

The second mode of proceeding, left to the choice of the British parliament, is to enter into a counter declaration. Whoever considers the present situation of Great Britain, and the *inefficacy* that must necessarily attend such a declaration, will find reason for believing, that they will not adopt a measure, which could serve no other purpose than to expose their weakness.

They will more probably adopt the last, by taking no notice of it, to *appear* to acquiesce

quiesce in it;—Their conviction of past errors is not sufficiently *strong*, nor their sense of the common interests of both countries sufficiently liberal, to induce an adoption of the first mode of proceeding: they have too much policy to attempt the second; and their cunning will incline them to pursue the last. This will still keep their claim alive, and save their pride from the mortification of an ineffectual declaration.

But let the probable conduct of Great Britain be what it may, we should not be influenced by it in the discharge of our duty; conscious as we are that those rights belong to us, conscious also of our ability to defend them, let us not be deterred, by the timid or interested councils of individuals, from pursuing a line of conduct which is due to the dignity of the nation at present, and to the safety of posterity hereafter. Can there be a greater call upon the feelings of a generous people? National honour and national security—should you refuse to obey it, ye will not deserve to become a free people. Comply with its requisition, and think what a boon awaits you; individual happiness, and your country's glory! Need I say more? If you have the feelings of men,
what

what I have said must be sufficient; if not—volumes would be written in vain.

I will now conclude. From what has been advanced, it may be safely asserted,

I. That the object of a declaration of rights (which is by defining those rights to *unite* the endeavours of *each* in the cause of *all*) can never be obtained to any effectual purpose, until we are possessed of a formal parliamentary declaration of them.

II. That such a declaration would, at all events, prove a means totally *adequate* to its *object*, whilst it would, in another point of view, be productive of consequences, which every friend to the union and happiness of both countries would most sedulously wish to promote: We may, therefore pronounce it to be a measure not only eligible, but necessary.

Let, therefore, the inhabitants of this country entertain the warmest wishes to see the declaratory act of Geo. I. repealed, or at least exert the most strenuous endeavours to be possessed of a parliamentary declaration of independence of their own. Nor let them be *deceived* into an opinion, that without the accomplishment of these points,

points, more especially the last, their liberties can ever be secure.

Let not our fellow-subjects in Great Britain enjoy their opinion of the supremacy of the British Parliament—Let them not take it for granted, because that Parliament hath said it; at the same time that ye are convinced of the validity of your own rights, proclaim that conviction to the world—this, will be a *check* to the pride of the one, and that, a security to the rights of the other.

Ye are now concerned in the noblest work that can engage the attention of mankind. If the spirits which will hereafter inform your posterity exist antecedent to their giving life to bodies in this world, think you behold them looking down, with the most interested anxiety, on the line of conduct you will pursue at this juncture. A line of conduct which is to determine the colour of their future existence; stamp them slaves or freemen; the children of oppression, or the sons of liberty!

Remember that in forming a constitution, to give it security you must not stop short of perfection: that should liberty be unprotected in a single part, the spirit of
tyranny

tyranny will soon discover it. Had the mother of Achilles, when she dipped that hero, been sufficiently attentive, the arrows of Paris had never reached him.

When I judge by your past conduct, my hopes are strong that your future will not disgrace it: the doctrine of passive obedience and non-resistance, which like a cloud, had hitherto darkened and obscured our prospects, has passed away; and I with, with joy, behold the spirit of independence, like the all-glorious sun, rising to light us to national prosperity! 'Tis true, as that great luminary, when in the verge of the horizon causes bodies to cast a shade behind them; so the spirit of independence, in its infancy, gave rise to doubts and perplexities. But it gains upon the view; it will at length prove vertical, and not even the *shadow* of doubt remain.

F I N I S.